

ADOPTED BY THE
MAYOR AND COUNCIL

ORDINANCE NO. _____

RELATING TO MOTOR VEHICLES AND TRAFFIC; REQUIRING PERMITS FROM THE CHIEF OF POLICE ("CHIEF") FOR ASSEMBLIES ON CITY ROADWAYS; EXEMPTING CERTAIN ASSEMBLIES FROM PERMIT REQUIREMENTS; PROHIBITING ASSEMBLIES DURING MORNING OR EVENING RUSH HOURS ON CITY ROADWAYS IN THE CENTRAL BUSINESS DISTRICT AND ON THE ROADWAYS OF THE CITY'S ARTERIAL OR COLLECTOR STREETS; SPECIFYING APPLICATION PROCEDURES; SPECIFYING PRIORITY FOR PERMITS; SPECIFYING A DEADLINE FOR APPLICATION AND WHEN THE CHIEF SHALL WAIVE THAT DEADLINE; SPECIFYING PROCEDURES, STANDARDS, AND DEADLINES THE CHIEF MUST USE IN GRANTING, DENYING, OR REVOKING PERMITS, PROVIDING FOR JUDICIAL REVIEW OF PERMIT DENIALS AND REVOCATIONS; SPECIFYING THE CHIEF'S POWERS UNDER AN ISSUED PERMIT, MAKING THE PERMITHOLDER RESPONSIBLE FOR PERMIT COMPLIANCE; PROHIBITING CERTAIN CONDUCT BY THE PERMITHOLDER, PARTICIPANTS, AND PUBLIC DURING ASSEMBLIES, SPECIFYING THE CHIEF'S POWERS WITH RESPECT TO ASSEMBLIES HELD WITHOUT A REQUIRED PERMIT OR IN VIOLATION OF PERMIT REQUIREMENTS, AND WITH RESPECT TO SEPARATING ASSEMBLIES THAT REPRESENT A POTENTIAL DANGER TO PUBLIC SAFETY; SPECIFYING PENALTIES FOR VIOLATIONS; CREATING NECESSARY DEFINITIONS; AMENDING CHAPTER 20 OF THE TUCSON CODE BY REPEALING SECTION 20-150 AND ADDING A NEW ARTICLE XII, CONSISTING OF SECTIONS 20-550 THROUGH 20-568; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON,
ARIZONA, AS FOLLOWS:

SECTION 1. Tucson Code § 20-150 is repealed.

SECTION 2. Chapter 20 of the Tucson Code is hereby amended by adding a
new Article XII to read as follows:

CHAPTER 20
MOTOR VEHICLES AND TRAFFIC
ARTICLE XII
USE OF CITY ROADWAYS
FOR ASSEMBLIES

SECTION 20-550. Title.

This article shall be known, and may be cited, as the "Safe Assembly Ordinance."

SECTION 20-551. Intent and purpose.

The mayor and council declare that assemblies on City roadways impact traffic safety specifically and public safety in general. Accordingly, this article reflects the mayor and council's intent and purpose to require permits for assemblies on City roadways, and to codify permitting procedures that simultaneously meet their traffic safety and public safety concerns while protecting assembly participants' rights under the First Amendment.

SECTION 20-552 Definitions.

A. Unless the context otherwise requires, as used in this article:

1. *Arterial street* means a street, or any portion thereof, identified as an arterial or Interstate Route on the City's Major Streets and Routes (MS&R) Plan.

2. *Assembly* means any gathering or grouping of persons collected together at one location, or traveling as a collective body from one location to another location, for a common ceremonial, educational, political, religious, social, or other purpose. The term includes, but is not limited to, a demonstration, parade, procession, protest, picket line, or rally.

3. *Business day* means any day that is not a Saturday, Sunday or city, state or federal holiday.

4. *Chief* means:

(a) In the context of granting or denying permits applied for under this article, the Chief of Police, or the Chief's designee(s).

(b) In all other contexts, the Chief of Police and any Tucson police officer, other certified peace officer, or federal law enforcement officer acting under the Chief's direction and authority.

5. *Collector street* means a street, or any portion thereof, identified as a collector, or residential-collector, on the City's Major Streets and Routes (MS&R) Plan.

6. *Day* means a calendar day, unless otherwise specified.

7. *Person* means any natural person, personal representative, receiver, trustee, assignee, firm, partnership, association, corporation, company, society, organization, political party, political committee, ad hoc committee or other legal entity of any kind, but not the federal government, state, county, city or any agency or political subdivision of the state.

8. *Police officer* includes any Tucson police officer, other certified peace officer, or federal law enforcement officer, cooperating with the Chief or acting under the Chief's direction and authority.

9. *Procession* means an assembly in which the participants all travel on foot or by the same means of transportation.

10. *Roadway* means that portion of a street intended for public use by bicycles, motor vehicles, or any other lawful vehicular traffic, including any berm, shoulder, island or median.

11. *Sidewalk* means that portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians, whether identified on the ground as a pedestrian walkway or not, and whether paved or unpaved.

12. *Spillover* means that participants in, or spectators of, an assembly held at a location not on a City roadway move onto, or congregate on any portion of any City roadway.

13. *Street* means and includes both the roadway and sidewalk portions of any public way, road, highway, avenue, boulevard, parkway, alley, lane, municipal parking lot, bicycle lane or path, intersection, viaduct, or bridge (including the approaches thereto), paved or unpaved.

14. *Traffic* is the normal movement and flow of pedestrians, bicycles, motor vehicles, or any other lawful vehicles or animals into, out of, on, over or along, any street, including any entry to or exit from private or public buildings or facilities abutting on or adjacent to the street.

SECTION 20-553. When permit required.

A. Except as provided in subsections B through D below, a written permit from the City, acting through the Chief, is required for any assembly that takes place in whole or in part on, or causes spillover onto, any City roadway.

B. As assembly or parade that is subject to permitting as a special event under Tucson Code Chapter 20, Article XI need not obtain a permit under this article.

C. An assembly is exempt from the permit requirements of this article if it does not cause spillover and:

1. Occurs wholly:

(a) On private or non-City governmental property.

(b) Within the boundaries of any City park. The assembly remains subject to all applicable regulations of the City's Department of Parks and Recreation.

(c) On or in Tucson Convention Center (TCC) grounds or facilities, in conformity with a use permit or short-term rental agreement authorized by the TCC Director pursuant to Tucson Code § 2-23.

2. Stands on or travels in orderly fashion on the sidewalk; crosses street intersections by means of the crosswalks; and obeys all traffic control devices and state and local traffic laws; and is otherwise carried out in such manner as to not interfere with or impede the flow or regulation of other traffic on streets and adjoining sidewalks.

3. Consists solely of bicycles, or solely of motor vehicles; travels on the roadway together with, and at the same speed as, other traffic; obeys all traffic control devices and state and local traffic laws; and is otherwise carried out in such manner as to not interfere with or impede the flow or regulation of other traffic on streets and adjoining sidewalks.

4. Is a funeral procession consisting solely of motor vehicles and complying with the provisions of A.R.S. Section 28-776.

D. This section also does not apply to:

1. Emergency vehicles operating in compliance with state law;

2. Any governmental agency, civil or military, acting within the scope of its functions, or of any combination of such agencies, when traffic control, crowd control, general security, and other public safety measures

made necessary by those activities are planned for in advance, and undertaken by, or in coordination with, the Chief. By way of illustration, and not of limitation, this exemption covers day-to-day operations by law enforcement agencies, as well as motorcades and other security activities relating to the visits of governmental dignitaries or political candidates.

C. Any assembly or parade for which no permit is required under this article remains subject to Section 20-566.

SECTION 20-554. Filing of permit application.

A. A person seeking a permit under this article shall file a written application, in a form approved by the Chief, at the Main Police Station, 270 South Stone Avenue, Tucson, Arizona.

B. The application shall be placed in an envelope clearly marked "Assembly or Parade Permit Application Enclosed."

C. An applicant applying for the permit on behalf of any other person or organization shall file with the application a letter from that other person or organization authorizing the applicant to file the application.

D. The Chief is authorized to require reasonable supplementation of the information in the application as necessary to determine whether to grant or deny the application, or grant it with additional or modified terms and conditions.

C. Notwithstanding Section 20-554.01, the Chief shall not offer any multi-year or other multiple use permits for any assembly. An annual, semiannual or other regularly scheduled or recurring assembly requires a new permit application, and new permit, each time it is held.

Section 20-554.01. Priority of permit applications.

A. In granting permits for a given time and location, the Chief shall give priority to annual, semiannual, or other regularly scheduled or recurring special events or assemblies historically held at the same location and on a known or calculable day or date, or set or series of days and dates, each year.

B. The Chief shall maintain a listing of annual, semiannual or other regularly scheduled or recurring special events and assemblies established prior to or after the enactment of this article, and shall update the listings as necessary to assure proper prioritization of permits.

C. If subsections A and B do not resolve a question of priority, competing applications that are substantially for the same time and place shall be considered and permitted on a first-in-time basis, that is, the earliest completed application received shall have priority as to the time and place requested.

D. If the Chief determines that an application actually seeking a permit under this article mistakenly has been submitted as an application for a special event permit under the Special Event Ordinance (Tucson Code Chapter 20, Article XI), the Chief shall require that a corrected application form be submitted, but in determining first-in-time priority under subsection C of this section, treat the corrected application as initially filed on the date the incorrect application form was originally submitted.

SECTION 20-555. Deadline for application; waiver of deadline.

A. The application shall be received by the Chief at least 72 hours before the assembly is scheduled to start, to provide adequate notice to the Chief and public, and adequate time for the Chief to process the application and make preparations for traffic regulation, crowd control and public safety.

B. Notwithstanding subsection A, the Chief shall waive the deadline and grant a permit applied for less than 72 hours prior to the assembly, either as applied for or with such additional or modified conditions as the Chief determines are necessary, if the Chief determines that:

1. Adequate preparations for traffic regulation, crowd control and public safety can be made prior to assembly's scheduled commencement, considering the factors listed in Section 20-558(B)(1);
2. No other reason for denial in Section 20-558 applies.

SECTION 20-556. Prohibited assemblies.

Due to heavy traffic, and the lack of effective and safe alternate routes for such traffic, the Chief shall not grant a permit that allows any assembly between the hours of 6:30 a.m. and 9 a.m., or between the hours of 3:30 p.m. and 6 p.m, on any days other than Saturday, Sunday and legal holidays, on the roadway of any street within the boundaries of the central business district, or on the roadway of any arterial or collector street within the City.

SECTION 20-557. Time for decision; written reasons required for denial or grant other than as applied for; administrative finality.

A. The Chief shall either grant the permit as applied for, grant the permit with additional or modified conditions, or deny the permit, within 10 business days from the date the application is received, except:

1. When an application is filed ten days or less, but at least 72 hours, prior to the scheduled time of the assembly, the Chief shall decide not later than 24 hours prior to the scheduled time of the assembly;

2. When an application is filed less than 72 hours prior to the scheduled time of the assembly, the Chief shall decide not later than the scheduled time of the assembly.

B. Except when the assembly is prohibited under section 20-556, if the Chief fails to act on an application within the time periods set forth in subsection A, the application shall be deemed granted and the Chief shall issue a permit as requested in the application.

C. If the Chief denies the application, or grants it with additional or modified conditions, the Chief shall provide the applicant and the City Attorney with a written statement of the reasons for the decision by the close of the next business day.

D. The Chief's decision regarding the application is administratively final, and subject to judicial review pursuant to Section 20-563.

SECTION 20-558. Standards for chief's decision regarding permit; non-discrimination; content neutrality.

A. The Chief shall uniformly consider each permit application upon its merits and shall not discriminate, based upon race, creed, color, ethnicity, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender identity, political party affiliation (or lack thereof), familial status or marital status.

B. The Chief shall issue a permit unless the Chief determines that any of the following reasons for denial exists, in which case the Chief shall deny the permit:

1. Adequate preparations for traffic regulation, crowd control and public safety cannot be made prior to the assembly's scheduled commencement, upon consideration of its date, day of the week, time of day, time of year, expected weather conditions, location or route, duration, number of participants, number of spectators, age or age range of participants and spectators, physical dimensions, format, and configuration, as well as the general traffic conditions in the area requested, both vehicular

and pedestrian, the need to reroute vehicles or pedestrians normally using the requested area, the number of marked and unmarked intersections along the route requested, together with the traffic control devices present, and the general impact on streets, intersections, and traffic;

2. Another special event or assembly having priority under Section 20-554.01, and for which a permit has been or will be granted, will be held at the same time and place for which application is made;

3. The assembly will cause an unresolvable conflict affecting traffic safety or public safety, due to:

(a) Development, construction or repair work, or other previously planned City activity, occurring at the specific time and location for which application is made;

(b) Diversion of so great a number of City police officers as to prevent normal police protection of the City;

(c) Interference with the movement of police, fire, ambulance and other emergency vehicles;

4. Another permitted special event or assembly already will require a level of police or other emergency resources that granting an additional permit would have an immediate and adverse effect upon the health, safety, or welfare of persons and property in the City.

5. The applicant, or a person on whose behalf the permit application is made, has, in applying for the permit, or in applying for, organizing or conducting any prior assembly:

(a) Made material misrepresentations regarding the nature or scope of an event;

(b) Violated the provisions of this article, or of prior permits issued pursuant to the provisions of this article; or

(c) Damaged City property and not paid in full for such damage;

6. The application (including any required attachments and submissions) is not fully completed and executed;

7. The written application contains a material falsehood or misrepresentation;

8. The assembly is subject to permitting as a special event;

9. Section 20-556 prohibits the assembly;

10. The application is not timely filed under Section 20-555(A) of the code and the Chief cannot waive the deadline pursuant to Section 20-555(B);

C. The Chief shall not consider any of the following factors in determining whether to issue a permit under this article:

1. The assembly's speech content or message;

2. The anticipated public reaction to the assembly's speech content or message; or

3. The applicant's identity or associational relationships.

D. If the Chief finds that the assembly as applied for does not meet all the conditions set forth in subsection B, but that imposing additional or modified terms and conditions would allow a permit to be granted that meets those conditions, the Chief shall authorize the granting of a permit with the additional or modified terms and conditions imposed.

E. The Chief shall not deny a permit unless the Chief finds it is impossible to grant a permit under either subsection B or D of this section.

SECTION 20-559. Permit does not affect, and is not affected by, other permit requirements or exemptions, or other laws, rights, or remedies.

A. The issuance of a permit, or, alternatively, exemption from the permit requirements of this article, does not relieve any person from the obligation to obtain any other permit or license required by law.

B. The issuance of any other permit or license required by law, or, alternatively, a person's exemption from any other permit or license requirements, does not relieve any person from the obligation to obtain a permit required by this article.

C. Nothing in this article shall be construed to affect the continued applicability to any assembly, or to those conducting or participating in it, of any otherwise applicable provision of any permit, rental agreement, or local, state or federal statute, ordinance or regulation.

D. Any City right or remedy set forth in this article is in addition to, and does not supersede or waive, any other right or remedy available to the City under law.

SECTION 20-560. Chief's powers under an issued permit.

A. The Chief is authorized to undertake any of the following actions when necessary to implement or enforce an issued permit:

1. Implement traffic and crowd control measures to protect public safety.

2. Close off any City street or other property, and prohibit or regulate crossing, parking, stopping, or standing on that street or property.

3. Barricade streets to create a closed circuit for any assembly, and prohibit or regulate movement of pedestrians or vehicles, including emergency or public transit vehicles, into, within, or out of that closed circuit, or any portion of it.

4. In case of fire, accident, or any emergency at any assembly, move or divert the special event away from or around such fire, accident or emergency, to or along the nearest safe location or route, and direct the return of the special event to the location or route originally authorized if and when such return can safely occur.

B. It is unlawful for any person to refuse to comply with any order of the Chief given in accordance with this article.

C. The Chief's powers under this section are in addition to any other powers granted to the Chief under local, state or federal law.

SECTION 20-561. Permitholder as responsible party; duties.

A. The permit shall be issued in the name of the applicant, who becomes the permitholder.

B. For all purposes under this article, the permitholder is the person organizing and conducting the assembly, and is responsible for compliance with this article, all permit conditions, and the Chief's orders issued pursuant to this article or the permit.

C. The permitholder, or a representative designated by the permitholder in writing to the Chief, shall:

1. Be present at the assembly at all times to act as contact person and provide any necessary liaison and coordination with the Chief;

2. Immediately identify himself or herself as the permitholder or designated representative to any police officer requesting such identification;

3. Carry the permit and, if a designated representative, a copy of the person's written designation, upon his or her person at all times during the event, and present either or both of those items for inspection to any police officer requesting to see either or both of them.

D. The permitholder's written designation of a representative shall be provided to the Chief no later than the start of the assembly.

SECTION 20-562. Revocation of permit.

A. The Chief is authorized to immediately revoke a permit, where the Chief determines that the assembly:

1. Cannot be conducted without violating the standards or conditions for permit issuance; or

2. Is being conducted in violation of this article, or of any term or condition of the issued permit, or of any other applicable law, rule or regulation; or

3. Poses a threat to public health or safety; or

4. Lacks any other permit or license required by law; or

5. Was issued a permit in error or contrary to law; or

6. Meets one or more conditions for denial in Section 20-558.

B. The Chief's verbal notification of revocation to the permitholder, or the permitholder's designated representative, is sufficient for closure of the assembly. The Chief shall provide written notification of the reasons for the revocation to the permitholder and the City Attorney by the close of the next business day after the closure of the assembly.

C. The Chief's revocation of a permit is administratively final, is subject to judicial review pursuant to Section 20-563, and does not limit the City's power to prosecute, or seek other relief against, any person for any violation or activity on which the revocation rests in whole or in part.

SECTION 20-563. Judicial review of denial, revocation, or grant with additional or modified conditions.

A. The applicant may obtain judicial review of the denial of a permit, the grant of a permit with additional or modified conditions, or the revocation of a permit by filing a petition for review in the city court within 10 days of the Chief's decision. A copy of the Chief's written statement of reasons shall be attached to the petition.

B. The petition shall include each petitioner's name and address, all telephone numbers where the city court can contact the petitioner to notify the petitioner of the date and time of the expedited hearing and, if applicable, all fax numbers and e-mail addresses where petitioner can be contacted.

C. On the same day the petition for review is filed, a copy of the petition for review shall be served by hand-delivery on the Chief, 270 South Stone Avenue, Tucson, Arizona; the City Clerk, 255 West Alameda, 9th Floor, Tucson, Arizona; and the City Attorney, 255 West Alameda, 7th Floor, Tucson, Arizona.

D. Upon receipt of the petition for review, the city court shall schedule a hearing before a magistrate or special magistrate. The hearing shall occur expeditiously, and in any event not later than 10 days after receipt of the petition for review. The city court shall notify the applicant, Chief and City Attorney of the hearing date, time and location by telephone or telefax, with copy of the notice of hearing to follow by mail. If a petitioner fails to appear as directed, a default judgment will be entered against that petitioner.

E. The hearing shall be held in an informal manner as to the order of proceeding and presentation of evidence with a record made by electronic tape recording or stenographic transcription. The Arizona Rules of Evidence shall not apply. The magistrate or special magistrate shall admit evidence over hearsay objections where the proffered evidence has substantial probative value and reliability. Copies of records and documents prepared in the ordinary course of business shall be admitted, but subject to challenge as to weight and authenticity.

F. The sole basis for the magistrate or special magistrate to overturn the decision of the Chief shall be a finding of factual error or abuse of discretion as to the enumerated grounds for denial, granting with additional or modified conditions, or revocation of a permit under this article. The applicant shall have the burden of proof to show by a

preponderance of the evidence that a factual error or abuse of discretion exists in the Chief's decision.

G. The city court shall rule expeditiously on the petition for review, and in any event not later than 5 business days after the close of the hearing.

H. Appeal of the magistrate's or special magistrate's decision under this article shall be by way of special action to the superior court on the record of the hearing. The appealing party shall bear the cost of preparing the record for appeal. No appeal shall be taken later than 10 days after entry of the magistrate's or special magistrate's decision.

I. The right of judicial review in city court set forth in this section is not intended to be an exclusive remedy, and shall not be construed to prohibit or restrict any other action allowed under law or equity and brought by either the applicant or the City in any state or federal court of competent jurisdiction.

SECTION 20-564. Prohibited acts.

A. All of the following are unlawful:

1. For the permitholder to knowingly fail to comply with any condition of the permit.

2. Except when directed by the Chief pursuant to Section 20-560(A)(4), for an assembly, or any participant in it, to depart or deviate from the location or route of travel set forth in the permit, or (if a parade or procession) to fail to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.

3. For any participant in any assembly to carry or possess any sign support that is metal, not blunt at each end, or has any point or edge capable of cutting or piercing.

4. For any unauthorized person to:

(a) Block, hamper, obstruct or impede the passage of, any person, equipment, float, bicycle, motor vehicle, other vehicle, or animal participating in any assembly.

(b) Interfere with, grab at, take hold of, hit, pull, or push any person, equipment, float, bicycle, motor vehicle, other vehicle or animal participating or used in an assembly, or anything in the possession of any participant in the assembly.

(c) Fire any starter pistol, or any handgun or firearm, whether loaded with live ammunition or not, during any assembly.

(d) Remove, displace or interfere with any lawfully placed sign, barricade, or other property or equipment used in connection with the closure of streets for, or other regulation of, any assembly.

5. For any unauthorized person or vehicle to be on any roadway designated as the site of an assembly, or as the route, staging area, or dispersal point of an assembly that is a parade.

6. For any person to:

(a) Shoot, drop, throw, squirt, roll, or fly any object, liquid or gaseous substance on, toward, into, among, or between persons, floats, bicycles, animals, vehicles, motor vehicles participating in an assembly.

(b) Disobey the order of a police officer attempting to control traffic or crowd movement at an assembly.

B. This section does not apply:

1. To a police officer, firefighter, or other City employee when responding to emergency calls or otherwise acting within the scope of the police officer's, firefighter's or City employee's authority.

2. To the operation of police, fire, or other emergency vehicles such as ambulances, or of authorized City service vehicles, when responding to emergency calls.

C. Subsections (A)(4)(a) and (A)(5) of this section do not apply at any intersection where traffic is controlled by traffic signals or police and the person acts in compliance with the signal or police direction.

SECTION 20-565. Assemblies conducted without permit, or in violation of permit requirements.

A. When the Chief responds to any assembly that the Chief determines is being conducted without a required permit, or in violation of permit requirements, the Chief is authorized to do any of the following after considering the factors set forth in subsection B of this section:

1. Order specific persons, or all participants and spectators, off the roadway;

2. Order immediate dispersal of the assembly;
3. Order dispersal of the assembly within a specified time.
4. Make individual arrests of persons pursuant to this article and any applicable local or state criminal or traffic laws;

B. The factors the Chief shall consider in deciding what action to take under subsection A of this section include the assembly's location, size, and layout; the time of year, time of day, and weather conditions; the speed and volume of traffic affected; the ability of responding officers to undertake necessary temporary traffic control measures; the peacefulness or hostility of participants as indicated by their conduct; the safety of responding officers, participants, spectators, and persons traveling on the roadway; and the likelihood that allowance of a specified time for voluntary dispersal will result in more peaceful and efficient dispersal overall.

C. Any grant of a specific time to disperse under this section shall not be construed as a waiver of, or limitation on:

1. The Chief's right to revoke any permit already issued; or to subsequently take any necessary action for dispersal, traffic control and public safety, including but not limited to ordering immediate dispersal, or ordering specific persons to move off the roadway;
2. The City's right to prosecute persons conducting or participating in an assembly without a permit or in violation of permit requirements;
3. Any other City rights or remedies.

Section 20-566. Separation of assemblies.

A. If the Chief determines, after considering the factors in subsection B of this section, that two or more assemblies may coincide, in whole or in part, as to time or place, and that any direct contact between, or combination of, two or more of the coinciding assemblies, or their spectators, might represent a danger to the respective rights of expression of the persons or groups represented and participating in the respective assemblies, or to spectators or public safety in general, the Chief is authorized to impose the following specified remedies, singly or in combination:

1. Geographically separated locations, routes, parking areas, assembly areas, or disassembly areas;

2. Different starting times, ending times, or both, or a specified duration of time between one assembly's ending time and the other's starting time;

3. Physical separation of the assemblies through fences, barricades, police lines, or other appropriate means.

B. The Chief shall consider the following factors:

1. The times, locations and routes of the assemblies;

2. Their relative proximity;

3. The availability, proximity and practicality of alternative locations or times for one or more of the assemblies;

4. The accessibility of alternate locations or routes to participants, spectators, and any media covering one or more of the assemblies;

5. All information regarding the respective events listed in the various applications for permits, if any applications were filed;

6. All factors listed in Section 20-558(B)(1);

7. The safety of participants, spectators, police personnel and persons or property in general;

8. Any prior history of similar assemblies regarding issues of public safety and of compliance or noncompliance with permits or the Chief's orders;

9. Any public statements by any of the participating persons or groups that indicate a heightened or lessened threat to public safety.

C. The Chief's authority under this section extends to any assembly within the City limits, whether or not it is normally subject to permitting under this article.

SECTION 20-567. Penalties for violation; declaration of nuisance; administrative assessments for police response.

A. Any person violating any provision of this article, or any regulation adopted by the Chief under this article, is guilty of a misdemeanor.

B. Assemblies held in a City roadway without a permit, or in violation of permit requirements, also are declared to be a public nuisance. Persons responsible for the costs assessable under subsections (C) and (D) include anyone who organizes or conducts the assembly.

C. The Court shall assess an administrative charge against any person convicted of, or found responsible for, organizing or conducting an assembly held without a permit, or in violation of permit requirements, to cover all or part of the costs and expenses directly incurred by the City in the investigation, enforcement and abatement of the violation. The administrative charge shall be in addition to any penalties specified in this article, and any amounts awarded as restitution. An administrative charge pursuant to this section may be imposed against more than one person for the same event, but the administrative charge imposed against any one person shall not exceed two thousand dollars for each event.

D. The administrative charge authorized by subsection C shall be assessed, collected and deposited in the same manner as the administrative charge for persons convicted of a violation of A.R.S. § 28-1381 as set forth in section 8-6.6 of this Code, except that the amount of the administrative charge shall be determined by the Court based upon the Chief's submission of evidence of the wages, including employer-paid benefits, of paid police officers for the time they were engaged in the response; a reasonable amount as rental for the use of vehicles and equipment; all costs and expenses for police equipment and materials, including any replacement costs necessitated by consumption; and the costs of any investigation.

SECTION 20-568. Implementation of article by chief.

A. The Chief is authorized to take such reasonable steps as the Chief deems necessary to implement this article, including the issuance of necessary regulations.

B. The Chief shall create standard application and permit forms for use under this article.

SECTION 3. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 4. WHEREAS, it is necessary for the preservation of the peace, health, and safety of the City of Tucson that this ordinance become immediately effective, an emergency is hereby declared to exist and this ordinance shall be effective

immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED BY THE MAYOR AND COUNCIL OF
THE CITY OF TUCSON, ARIZONA, _____.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

REVIEWED BY:

CITY ATTORNEY

CITY MANAGER

DPM

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